



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 23 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven H. Johnson
Factory Manager
John Deere Horicon Works
300 N. Vine Street
Horicon, Wisconsin 53032-1100

Re: John Deere Horicon Works Notice of Violation

Dear Mr. Johnson:

This is to advise you that the U.S. Environmental Protection Agency has determined that the John Deere Horicon Works facility (facility) at 300 N. Vine Street in Horicon, Wisconsin is in violation of the Clean Air Act (CAA), 42 U.S.C. § 7401 et seq. and the associated state or local pollution control requirements. We are issuing a Notice of Violation (NOV) to you for these violations.

The CAA requires the development of National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Wisconsin's State Implementation Plan (SIP) requires you to take reasonably available measures to prevent emissions of criteria air pollutants, including carbon monoxide (CO) at your facility. The purpose of the criteria air pollutant limits is to help protect the public from unhealthy exposures. CO can cause harmful health effects by reducing oxygen delivery to the body's tissues, including the heart and brain. CO exposure is especially dangerous for individuals with heart disease. At extremely high levels, CO can cause death.

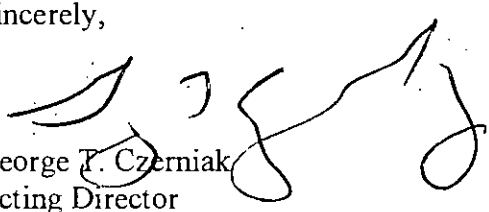
With regard to the Horicon facility, EPA has found violations of the federally-enforceable Registration Operating Permit issued to the facility by the Wisconsin Department of Natural Resources, as well as violations of the Wisconsin SIP. Violations of the Wisconsin SIP constitute violations of Title I of the CAA and its implementing regulations. Section 113 of the CAA, 42 U.S.C. § 7413, gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, or bringing a judicial civil action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV. If you would like a conference you should request it within 10 days following receipt of this notice, and the conference should be held within 30 days following receipt of this

notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

The EPA contact in this matter is Alexandra Letuchy. You may contact Ms. Letuchy at (312) 886-6035 or Letuchy.alexandra@epa.gov if you wish to request a conference. EPA hopes that this NOV will encourage John Deere Horicon Works' compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Acting Director
Air and Radiation Division

Enclosure

cc: Bill Baumann
Chief
Compliance Enforcement and Emission Inventory Section
Bureau of Air Management
Wisconsin Department of Natural Resources

Thomas J. Roushar
Air Management Program Supervisor
South Central Region Headquarters
Wisconsin Department of Natural Resources

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires states to submit state implementation plans (SIPs) to EPA which provide for implementation, maintenance, and enforcement of the primary and secondary National Ambient Air Quality Standards (NAAQS) established by EPA under Title I of the Act.
2. On January 18, 1995, EPA approved Wisconsin's Federally Enforceable State Operating Permits (FESOP) program as part of the Wisconsin SIP. 60 Fed. Reg. 3538.
3. Wisconsin's FESOP program is codified at Natural Resources (NR) 407, Wisconsin Administrative Code.
4. A FESOP is appropriate for facilities that would be major sources of air pollution, but can voluntarily limit emissions to minor source thresholds through controls and/or operational limits.
5. The major stationary source threshold is 100 tons per year (tpy) for particulate matter (PM), volatile organic compounds (VOCs), nitrogen oxides (NO_x), sulfur dioxide (SO₂), and carbon monoxide (CO). 40 C.F.R. § 51.21(b)(1)(i)(a), 40 C.F.R. § 70.2, NR 407.105(2)(a)1, Wis. Adm. Code

6. On February 6, 2006, EPA approved Wisconsin's Registration Permit program, to exempt facilities with low annual emissions from the FESOP program, as part of the Wisconsin SIP. 71 Fed. Reg. 5979. The Registration Permit program was effective March 8, 2006.
7. Wisconsin's Registration Permits are provided for in the Wisconsin Statutes at 10 Wis. Stats. § 285.60(2g), with implementing regulations found at NR 407, Wis. Adm. Code.
8. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a SIP provision.

Factual Background

9. John Deere Horicon Works owns and/or operates a Riding Lawn and Utility Vehicle Manufacturing facility (facility) at 300 North Vine Street in Horicon, Wisconsin.
10. On May 20, 2002, the Wisconsin Department of Natural Resources (WDNR) issued a FESOP to the facility, number 11464500-F10. WDNR renewed the FESOP in 2006.
11. The facility applied for, and WDNR issued, a Type A Registration Operation Permit (ROP) and Type A Registration Construction Permit (RCP) #114064500-ROPA on January 18, 2011.
12. Condition A.1 of the ROP requires annual actual emission of PM, VOCs, NO_x, SO₂, CO, and federally regulated hazardous air pollutants not to exceed 25% of any major source threshold set forth in NR 407.02(4), Wis. Adm. Code, on a calendar year basis.
13. For CO, 25% of the major source threshold is 25 tpy. NR 407.02(4), Wis. Adm. Code.
14. Since 2006, the facility's CO emissions exceeded 25 tpy in three of five years; 2006, 2007, and 2010.
15. On February 6, 2012, the facility submitted a Voluntary Disclosure to EPA reporting CO emissions of 29.9 tpy for calendar year 2011.

Explanation of Violations

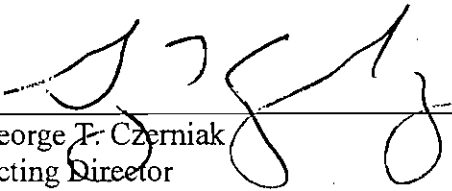
16. The facility's CO emissions in 2011 constitute violations of its ROP, the CAA, and the Wisconsin SIP.

Environmental Impact of Violations

17. The violation cited above demonstrates elevated emissions on CO. These violations have caused or can cause excess emissions of CO. CO can cause harmful health effects by reducing oxygen delivery to the body's tissues, including the heart and brain. At extremely high levels, CO can cause death.

Date

8/23/12


George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-12-WI-09, by

Certified Mail, Return Receipt Requested, to:

Steven H. Johnson
John Deere Horicon Works
300 N. Vine Street
Horicon, WI 53032-1100

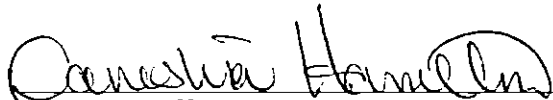
I also certify that I sent copies of the Notice of Violation by first-class mail to:

Bill Baumann
Chief
Compliance Enforcement and Emission
Inventory Section
Bureau of Air Management
Wisconsin Department of Natural
Resources
101 S. Webster St.
PO Box 7921 (AM/7)
Madison, Wisconsin 53702

Thomas J. Roushar
Wisconsin Department of Natural
Resources
South Central Region Air Program
3911 Fish Hatchery Road
Madison, WI 53711

Kristin L. Hart
Wisconsin Department of Natural
Resources
South Central Region Air Program
3911 Fish Hatchery Road
Madison, WI 53711

On the 24th day of August 2012.


Loretta Shaffer, APA
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 11680 0000 7609 6814